

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**UNITED STATES OF AMERICA**

**PLAINTIFF**

**v.**

**Case No. 4:14-cr-00068 KGB**

**GARY ALAN RICKENBACH,  
MICHAEL FRANCIS HEALD, TOM  
MONROE WHITEHEAD, and  
BRADLEY STEPHEN PAUL**

**DEFENDANTS**

**ORDER**

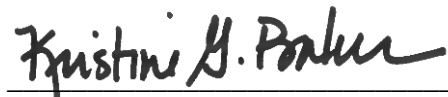
Before the Court is the government's pending motion *in limine*, which the government filed on May 20, 2016 (Dkt. No. 73). Defendants Michael Francis Heald and Bradley Stephen Paul jointly responded in opposition to the government's motion on May 23, 2016 (Dkt. No. 74). The Court denies without prejudice the government's motion *in limine*; the Court will permit the government to augment the record in support of its motion, should it choose to do so, or to make objections at trial contemporaneously with the testimony, evidence, or argument it seeks to preclude.

As to the first point raised by the government in its motion *in limine*, the Court denies without prejudice the motion. At this stage of the proceeding, the Court finds the procedural and factual posture of this case distinguishable from that in *United States v. Ponec*, 163 F.3d 486, 488 (8th Cir. 1998), the only case, rule, or authority cited by the government in support of its motion *in limine*.

As to the second and third points raised by the government in its motion *in limine*, the Court denies without prejudice the motion. The government cites no case, rule, or authority in support of its request to exclude testimony, evidence, and argument related to the second and

third points. This approach forces defendants and the Court to speculate as to the basis for the motion and to conduct research that should have been completed by the government prior to filing the motion. The government's failure to provide any legal basis for its motion, whether that basis be in the form of existing law, the extension or modification or reversal of existing law, or the establishment of new law, suggests that no inquiry was conducted prior to filing the motion. For these reasons, the motion is denied (Dkt. No. 73). The Court will permit the government to augment the record in support of its motion, should it choose to do so, or to make objections at trial contemporaneously with the testimony, evidence, or argument it seeks to preclude.

SO ORDERED this 26th day of May, 2016.

A handwritten signature in black ink, reading "Kristine G. Baker", written over a horizontal line.

Kristine G. Baker  
United States District Judge